

REMARKS

Reconsideration of the application and the claims is respectfully requested.

Claims 1-11, 13-28, 30-34, 36-46, and 48-58 remain pending. Claims 1, 18, 36 and 56 are independent.

In addition to the remarks submitted in applicant's previous response dated April 21, 2009, applicant respectfully requests entry and consideration of the amendments and remarks herein. Independent claims 1, 18, 36 and 56 are being further amended to clarify what is being claimed. Support for the amendments can be found at least on page 12, lines 23-25, page 11, lines 18-19, and on page 14, lines 18-23.

U.S. Patent No. 6,643,671 to Milillo et al ("Milillo") does not disclose or suggest the claims as amended. That is, Milillo does not disclose or suggest at least "destaging from cache memory to a first volume" and performing "a first point in time virtual copy wherein the first point in time virtual copy updates the first bitmap and no physical data is copied from the first volume".

For example, as disclosed on page 11, lines 11-19 of the originally submitted specification, "To perform the initial copy, a FlashCopy from Volume A to Volume B sets all bits in the FlashCopy Bitmap 110 on Volume B to 'ones', thereby initializing the FlashCopy bitmap. ... The setting of all bits to 'ones' represents the fact that all data is to be copied, and also represents the fact that all data to be copied is stored on Volume A. It should further be noted that the FlashCopy performs a byte-for-byte virtual copy of data from Volume A 106 to Volume B 108, i.e., no physical data is copied from Volume A to Volume B."

Milillo also does not disclose or suggest at least, “synchronizing the second volume with the third volume for the current database update by transmitting the modified data from either the first volume or the second volume depending on bit setting in the first bitmap, to the third volume as indicated by the one or more bits in the second bitmap.” For example, Milillo does not disclose or suggest at least to look to a “second bitmap” for indication of synchronization of the third volume with the second volume, and also to look to the first bitmap to determine where the data to be synchronized is, i.e., the first volume or the second volume.

For at least the above additional reasons, independent claims and their respective dependent claims by virtue of their dependencies are believed to be unobvious over Milillo and the rest of the cited references.

This communication is submitted in addition to the response to the Office Action submitted on April 21, 2009. Every effort has been made to place the application in condition for allowance. A favorable Office Action is hereby earnestly solicited. If the Examiner believes a telephone conference might expedite prosecution of this case, it is respectfully requested that the Examiner call applicant’s attorney at (516) 742-4343.

Respectfully submitted,

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